

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

CLINTON OSBORNE )  
 )  
v. ) NO. 3:06-1148  
 ) JUDGE CAMPBELL  
GEORGE M. LITTLE, et al. )

ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 42) and objections filed by the Plaintiff as a “Motion to Set Aside Order of Dismissal for Just Cause” (Docket No. 44).

The Court has reviewed the Report and Recommendation, Plaintiff’s Motion, and the file. Under the Prison Litigation Reform Act (PLRA), a prisoner is required to exhaust all available administrative remedies before filing a § 1983 action in district court. *See* 42 U.S.C. § 1997e(a). A prisoner may not exhaust his administrative remedies during the pendency of the federal suit. *Freeman v. Francis*, 196 F.3d 641, 645 (6<sup>th</sup> Cir. 1999).

Therefore, Plaintiff’s Motion is DENIED, and the Report and Recommendation is adopted and approved. Accordingly, Defendants’ Motion to Dismiss (Docket No. 32) is GRANTED, and Plaintiff’s claims are DISMISSED without prejudice for failure to exhaust administrative remedies.

IT IS SO ORDERED.

  
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TODD J. CAMPBELL

UNITED STATES DISTRICT JUDGE